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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,499	08/31/2000	Motoi Otsuka	00625/LH	3671
7590	01/02/2004		EXAMINER	
Frishauf Holtz Goodman Langer & Chick PC 25th Floor 767 Third Avenue New York, NY 10017			ORTIZ, BELIX M	
			ART UNIT	PAPER NUMBER
			2175	

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/652,499	OTSUKA, MOTOI	
	Examiner Belix M. Ortiz	Art Unit 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

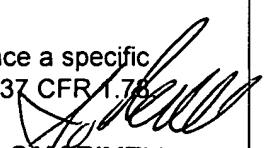
#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_



SAM RIMELL

**PRIMARY EXAMINER**

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-5, 8, 10-19, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Tolopka et al. (U.S. patent 6,044,349).

As to claim 1, Tolopka et al. teaches a portable terminal which prestores first and second identification information to limit the use of a particular portable data storage medium, which prestores third and fourth identification information (see column 3, lines 37-65), comprising:

first determining means for comparing the third identification information stored in the data storage medium with the first identification information stored in the terminal and for determining based on a result of the comparison whether access to the data storage medium is allowed (see column 3, lines 47-54); and

second determining means, responsive to said first determining means determining that the access to the data storage medium is allowed, for reading the fourth identification information prestored in the data storage medium, comparing this read information with the second identification information prestored in the terminal, and for determining based on a result of the last-mentioned comparison whether access to data in the data storage medium in allowed (see column 3, lines 58-62).

As to claim 2, Tolopka et al. teaches the portable terminal  
wherein:

the data storage medium further prestores application software  
corresponding to the fourth identification information (see column 4, lines  
2-17; column 7, lines 53-59);

the portable terminal comprises means, responsive to  
said second determining means determining that the access to the data  
storage medium is allowed and the terminal being instructed to start up  
the application software, for comparing the fourth identification information  
corresponding to the application software with the second identification  
information, and for starting up the application software based on a result  
of the last-mentioned comparison (see column 3, lines 47-62).

As to claim 3, Tolopka et al. teaches wherein:

the data storage medium prestores a data file accessible through  
the application software (see abstract; column 2, lines 6-11); and  
comprising:

means for accessing the data file based on the starting  
up of the application software stored in the data storage medium (see  
column 3, lines 19-32).

As to claim 4, Tolopka et al. teaches wherein;  
the data file stored in the data storage means contains  
individually ciphered records (see column 4, lines 37-42), and  
management information for the data file which is scrambled so as to be  
descrambled by the terminal (see column 1, lines 56-60).

As to claim 5, Tolopka et al. teaches a terminal for accessing a  
portable data storage medium which contains third and fourth identification  
information, user authentication information, and basic software which  
includes basic control information (see column 2, lines 55-63; column 3,  
lines 11-15), comprising:

storage means for prestoring first and second  
identification information corresponding to the third identification and the  
fourth identification information (see column 4, lines 2-17), respectively;  
first checking means, responsive to the terminal starting up the  
basic software stored in the data storage medium, for reading the third  
identification information stored in the data storage medium, and for  
comparing the third identification information with the first identification  
information stored in the terminal to check that the terminal  
is a rightful one authorized to access the data storage medium (see  
column 3, lines 37-54; column 6, lines 5-10);

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second checking means, responsive to said first checking means checking that the terminal is a rightful one, for accepting input of the user authentication information, and for comparing the input user authentication information with that stored in the data storage medium to check that the user is a rightful one authorized to access to data in the data storage medium (see column 3, lines 47-52); and

third checking means, responsive to said second checking means checking that the user is a rightful one, for reading the fourth identification information stored in the data storage medium, and for comparing this fourth identification information with the second identification information prestored in the terminal to check that the terminal is a rightful one authorized to access to data in the data storage medium (see column 3, lines 55-65).

As to claim 8, Tolopka et al. teaches a server for writing a data file to be used by a portable terminal on a portable data storage means placed in corresponding relationship to the terminal (see column 2, lines 6-11; column 7, lines 63-67), comprising:

means for ciphering records of the data file individually (see column 4, lines 37-42);

scrambling means for scrambling the data file of the ciphered records in a form decipherable by the terminal placed in corresponding relationship to the data storage medium (see column 3, lines 37-42); and writing means for writing the scrambled data file on the data storage medium (see column 3, lines 37-42; column 6, lines 28-30).

As to claim 10, Tolopka et al. teaches a system comprising a portable terminal and a server which writes a data file on a portable data storage medium set in the terminal and placed in corresponding relationship to the terminal-, and which distributes a resulting data storage medium to the terminal (see column 7, lines 63-67; column 8, lines 1-4), wherein:

the server comprises:  
ciphering means for individually ciphering records of the data file to be written on the data storage medium (see column 4, lines 37-42); and writing means for writing on the storage medium the data file in which said ciphering means has ciphered the respective records of the data file (see column 4, lines 37-42); and

said terminal comprises:  
determining means for determining whether the data storage means set in the terminal is a rightful one placed in corresponding relationship to the terminal (see column 3, lines 11-35);

access control means, responsive to said determining means determining that the storage medium is a rightful one, for allowing the terminal to access the data file of the storage medium (see abstract; column 3, lines 47-52); and record processing means, responsive to said access control means allowing the terminal to access the data file of the storage medium, for individually reading the records specified as being accessed, for deciphering the read records, and for displaying the contents of the deciphered records (see column 3, lines 58-65; column 6, lines 14-16).

As to claim 11, Tolopka et al. teaches wherein:  
said record processing means comprises means for temporarily storing the deciphered records in a temporary memory of the terminal, and means, responsive to the access of the terminal to the data file being terminated or said record processing means terminating its operation, and for erasing the deciphered record in the temporary memory (see column 7, lines 37-40; column 7, line 67; column 8, lines 1-2).

As to claim 12, Tolopka et al. teaches wherein:  
said ciphering means comprises means for individually ciphering records of the data file and fields of each record (see column 4, lines 37-47); and

said record processing means comprises means for ciphering any particular key input as an object to be accessed, for retrieving each of the ciphered records of the data file based on the particular ciphered key when the data file in the storage medium is accessed to individually read records each having fields corresponding to the input key, for deciphering the read records and for displaying the deciphered records (see column 4, lines 31-59).

As to claim 13, Tolopka et al. teaches wherein:  
said record processing means is responsive to being instructed to change the records individually read from the data file in the storage medium and deciphered, or being instructed to add a new record to the data file, for changing the deciphered records or adding the new record to the data file, for ciphering the changed records or added record, and for writing on the data storage medium the ciphered records as update information for the data file (see column 6, lines 28-54).

As to claim 14, Tolopka et al. teaches a recording medium prestoring a computer readable program for controlling a system in which a server writes a data file on a portable storage medium used by a terminal and placed in corresponding relationship to the terminal and distributes a resulting recording medium to the terminal (see column 7,

lines 63-67; column 8, lines 1-2), comprising computer readable program codes for:

causing the server to individually cipher records of a data file to be written on a portable data storage medium set in a portable terminal and placed in corresponding relationship to the portable terminal (see column 6, lines 53-64);

causing the server to write the data file of ciphered records on the storage medium (see column 6, lines 54-58);

causing the portable terminal to determine whether the data storage medium set in the terminal is a rightful one placed in corresponding relationship to the terminal (see column 3, lines 47-49);

in response to the terminal determining that the storage medium is the rightful one, and allowing the terminal to access the data file of the storage medium (see column 3, lines 52-54); and

in response to allowing the terminal to access the data file of the storage medium, causing the terminal to individually read the records specified as being accessed, deciphering the read records, and displaying the contents of the deciphered records (see column 3, lines 58-65; column 6, lines 14-16).

As to claim 15, Tolopka et al. teaches a system comprising a portable terminal and a server which writes a data file on a portable data storage medium set in the terminal and placed in corresponding relationship to the terminal, and which distributes a resulting data storage medium to the terminal, the server comprising a memory which prestores a master data file (see column 7, lines 63-67; column 8, lines 1-2),

the server comprising:

mobile data creating means for extracting records used in the terminal from the master data file and for creating a mobile data file of at least one of the extracted records (see column 7, lines 58-67; column 8, lines 1-2, where "records" is read on "instructions"); and

writing means for writing the mobile data file created by said mobile data creating means on the data storage medium (see column 6, lines 30-32), and

said terminal comprises:

determining means for determining whether the data storage means set in the terminal is a rightful one placed in corresponding relationship to the terminal (see column 3, lines 11-35); and

access control means, responsive to said determining means determining that the storage medium is the rightful one, for allowing the terminal to access the mobile data file of the storage medium (see column 3, lines 47-52).

As to claim 16, Tolopka et al. teaches wherein:

when said mobile data creating means extracts the records used by the terminal from the master data file, said mobile data creating means refers to record extract conditions preset to the contents of processing of the terminal, and extracts records meeting the record extract conditions from the master data file (see column 6, lines 30-32; column 10, lines 51-52; column 10, lines 55-56).

As to claim 17, Tolopka et al. teaches wherein:

when said mobile data creating means extracts the records used by the terminal from the master data file to create a mobile data file, said mobile data creating means refers to extract fields preset to the contents of processing of the portable terminal and creates a mobile data file of records of only fields meeting the extract fields (see column 6, lines 58-61; column 7, lines 63-67; column 8, lines 1-2).

As to claim 18, Tolopka et al. teaches wherein:

the storage medium also prestores identification information (see abstract); and

when said mobile data creating means extracts the records used by the terminal from the master data file, said mobile

data creating means gets the identification information prestored in the data storage medium (see column 9, lines 40-46), determines the master data file based on the identification information, determines conditions to extract records from the master data file (see column 4, lines 42-45), and extracts the records from the master data file in accordance with the determined extracting conditions (see column 9, lines 55-56, where “extracting conditions” is read on “downloading information” depending on “information categories” one of the condition is the type of information that the user want and the information is divide on categories).

As to claim 19, Tolopka et al. teaches a server for writing a mobile data file on a portable data storage medium used by a portable terminal, and for distributing it to the terminal (see column 2, lines 6-11; column 7, lines 63-67), comprising:

determining means for determining whether application software to process the mobile data file is stored in corresponding relationship to the mobile data file in the data storage medium (see column 7, lines 53-63); and

writing means, responsive to said determining means determining that the application software is not stored in the data storage medium, for writing the application software on the storage medium in correspondence to the mobile data file (see column 7, lines 37-45).

As to claim 21, Tolopka et al. teaches a recording medium prestoring a computer readable program for controlling a system in which a server writes a data file on a portable storage medium used by a terminal and placed in corresponding relationship to the terminal and distributes a resulting recording medium to the terminal (see column 7, lines 53-67; column 8, lines 1-2), comprising computer readable program codes for:

causing the server to extract records used in the terminal from a master data file and to create a mobile data file of at least one of the extracted records (see column 7, lines 63-67; column 8, lines 1-2);

causing the terminal to write the created mobile data file on the data storage medium (see column 7, line 67; column 8, lines 1-2);

causing the terminal to determine whether the data storage means set in the terminal is a rightful one placed in corresponding relationship to the terminal (see column 3, lines 47-49); and

in response to the terminal determining that the storage medium is a rightful one, allowing the terminal to access the mobile data file of the storage medium (see column 3, lines 49-54).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tolopka et al. (U.S. patent 6,044,349) in view of Clark (U.S. patent 5,448,045).

As to claim 6, Tolopka et al. does not teach the terminal further comprising:

inhibiting means, responsive to said second checking means comparing the user authentication information being input to the terminal successively a predetermined number of times in a repeated manner with the operator authentication information stored in the storage medium each time the input authentication information is input to the terminal to determine that the terminal is not a rightful one, and for forcibly deleting the basic operation control information stored in the storage medium to physically inhibit operation of the terminal thereafter.

Clark teaches system for protecting computers via intelligent tokens or smart cards (see abstract), in which he teaches the terminal further

comprising:

inhibiting means, responsive to said second checking means comparing the user authentication information being input to the terminal successively a predetermined number of times in a repeated manner with the operator authentication information stored in the storage medium each time the input authentication information is input to the terminal to determine that the terminal is not a rightful one, and for forcefully deleting the basic operation control information stored in the storage medium to physically inhibit operation of the terminal thereafter (see column 11, lines 31-41).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Tolopka et al. to include the terminal further comprising:

inhibiting means, responsive to said second checking means comparing the user authentication information being input to the terminal successively a predetermined number of times in a repeated manner with the operator authentication information stored in the storage medium each time the input authentication information is input to the terminal to determine that the terminal is not a rightful one, and for forcefully deleting the basic operation control information stored in the storage medium to physically inhibit operation of the terminal thereafter.

It would have been obvious to a person having ordinary skill in the

art at the time the invention was made to have modified Tolopka et al. by the teaching of Clark, because the terminal further comprising:

inhibiting means, responsive to said second checking means comparing the user authentication information being input to the terminal successively a predetermined number of times in a repeated manner with the operator authentication information stored in the storage medium each time the input authentication information is input to the terminal to determine that the terminal is not a rightful one, and for forcefully deleting the basic operation control information stored in the storage medium to physically inhibit operation of the terminal thereafter, would enable the computer to read the critical information stored in the device if the second checking is correct (means rightful terminal). Storing the authorization information in memory on the device, will release the information after completing an authorization routine, if the authorization is not granted the computer will alert the user that the terminal is not the rightful one.

5. Claims 7, 9, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tolopka et al. (U.S. patent 6,044,349) in view of Basso, Jr. et al. (U.S. patent 6,131,090).

As to claim 7, Tolopka et al. teaches a server comprising:  
first writing means for writing on a storage medium a data file to be used by a rightful portable terminal and for writing first identification information to limit the access of an unjust terminal to the storage medium and second identification information to limit the access of the unjust terminal to the data file written in the data storage medium on the rightful terminal and the storage medium in order to place the data storage medium and the rightful terminal in rightful corresponding relationship (see column 7, lines 53-67; column 8, lines 1-4); and

Tolopka et al. does not teach second writing means for writing on the storage medium authentication information unique to a rightful user of the rightful terminal to place the storage medium and the user in rightful corresponding relationship.

Basso, Jr. et al. teaches method and system for providing controlled access to information stored on a portable recording medium (see abstract), in which he teaches second writing means for writing on the storage medium authentication information unique to a rightful user of the rightful terminal to place the storage medium and the user in rightful corresponding relationship (see column 9, lines 6-18; column 9, lines 15-19, where “writing on the storage medium authentication information” is read on “NSK= next session key, secret key used to encrypt information written to storage during current session”).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Tolopka et al. to include writing means for writing on the storage medium authentication information unique to a rightful user of the rightful terminal to place the storage medium and the user in rightful corresponding relationship.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Tolopka et al. by the teaching of Basso, Jr. et al., because writing means for writing on the storage medium authentication information unique to a rightful user of the rightful terminal to place the storage medium and the user in rightful corresponding relationship, would enable the server to verify if the storage medium is the correct for the terminal that the user is trained to access. The authentication information will be compared with the information stored on the terminal and if it is correct, the user will have the authorization to see the critical information.

As to claim 9, Tolopka et al. does not teach the terminal further comprising:

checking means for checking to see whether the terminal, which accesses the storage medium on which the ciphered and scrambled data file is stored, is a rightful one placed in

corresponding relationship too the data storage medium; and means, responsive to said checking means checking that the terminal is the rightful one, for descrambling the data file stored in the storage medium such that the rightful terminal can access the data file, for individually reading ciphered records in the data file, for deciphering the read ciphered records, and for displaying the contents of the deciphered records.

Basso, Jr. et al. teaches method and system for providing controlled access to information stored on a portable recording medium (see abstract), in which he teaches the terminal further comprising:

checking means for checking to see whether the terminal, which accesses the storage medium on which the ciphered and scrambled data file is stored, is a rightful one placed in corresponding relationship too the data storage medium (see abstract); and

means, responsive to said checking means checking that the terminal is the rightful one, for descrambling the data file stored in the storage medium such that the rightful terminal can access the data file, for individually reading ciphered records in the data file, for deciphering the read ciphered records, and for displaying the contents of the deciphered records (see column 9, lines 6-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Tolopka et al. to include the terminal further comprising:

checking means for checking to see whether the terminal, which accesses the storage medium on which the ciphered and scrambled data file is stored, is a rightful one placed in corresponding relationship too the data storage medium; and means, responsive to said checking means checking that the terminal is the rightful one, for descrambling the data file stored in the storage medium such that the rightful terminal can access the data file, for individually reading ciphered records in the data file, for deciphering the read ciphered records, and for displaying the contents of the deciphered records.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Tolopka et al. by the teaching of Basso, Jr. et al., because the terminal further comprising:

checking means for checking to see whether the terminal, which accesses the storage medium on which the ciphered and scrambled data file is stored, is a rightful one placed in corresponding relationship too the data storage medium; and means, responsive to said checking means checking that

the terminal is the rightful one, for descrambling the data file stored in the storage medium such that the rightful terminal can access the data file, for individually reading ciphered records in the data file, for deciphering the read ciphered records, and for displaying the contents of the deciphered records, would enable the terminal to check the authorization information stored on to medium with the information stored on the terminal, if is correct (means terminal is the rightful one) the information will be descrambling and the user will see the information.

As to claim 20, Tolopka et al. does not teach the server further comprising:

determining means, responsive to said determining means determining that the application software is stored in the mobile data file in corresponding relationship to the mobile data file in the data storage medium, for determining whether the application software is the newest one; and

updating means, responsive to said determining means determining that the application software is not the newest one, for replacing the application software stored in corresponding relationship to the mobile data file in the data storage medium with the newest application software.

Basso, Jr. et al. teaches method and system for providing

controlled access to information stored on a portable recording medium (see abstract), in which he teaches the server further comprising:  
determining means, responsive to said determining means determining that the application software is stored in the mobile data file in corresponding relationship to the mobile data file in the data storage medium, for determining whether the application software is the newest one (see figure 6A; column 14, lines 17-26); and

updating means, responsive to said determining means determining that the application software is not the newest one, for replacing the application software stored in corresponding relationship to the mobile data file in the data storage medium with the newest application software (see column 1, lines 18-55).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Tolopka et al. to include the server further comprising:

determining means, responsive to said determining means determining that the application software is stored in the mobile data file in corresponding relationship to the mobile data file in the data storage medium, for determining whether the application software is the newest one; and updating means, responsive to said determining means

determining that the application software is not the newest one, for replacing the application software stored in corresponding relationship to the mobile data file in the data storage medium with the newest application software.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Tolopka et al. by the teaching of Basso, Jr. et al., because the server further comprising:

determining means, responsive to said determining means  
determining that the application software is stored in the mobile data file in corresponding relationship to the mobile data file in the data storage medium, for determining whether the application software is the newest one; and

updating means, responsive to said determining means  
determining that the application software is not the newest one, for replacing the application software stored in corresponding relationship to the mobile data file in the data storage medium with the newest application software, would enable the server compare the information on the mobile file with the information on the terminal, if the information is not the same the server will make a update to the information storage on the mobile file and most importantly, assure that access is limited to authorized users.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of art with respect to generalized portable terminals, server, systems and their program recording medium:

U.S. patent 6,016,476 Maes et al.: portable information and transaction processing system and method utilizing biometric authorization and digital certificate security (see abstract).

U.S. patent 6,154,879 Pare, Jr et al.: for teaching tokenless biometric atm access system (see abstract).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Belix M. Ortiz whose telephone number is 703-305-7605. The examiner can normally be reached on moday-friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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December 4, 2003



SAM RIMELL  
PRIMARY EXAMINER